

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

X

In Re:

DELPHI CORPORATION, et al.,

Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors.

X

Chapter 11

DELPHI CORPORATION, et al.,

Plaintiff,

Adv. Pro. No. 07-02182 (RDD)

- against -

BARNES & ASSOCIATES,

Defendant.

X

**JOINDER OF BARNES & ASSOCIATES TO MOTION OF AHAUS TOOL &
ENGINEERING, INC. FOR AN ORDER (i) VACATING EACH OF THE PRESERVATION
OF ESTATE CLAIMS PROCEDURES ORDER, THE EXTENSION OF AVOIDANCE ACTION
SERVICE DEADLINE ORDER, THE POST-CONFIRMATION EXTENSION OF AVOIDANCE
ACTION SERVICE DEADLINE ORDER, AND THE SUPPLEMENTAL POST-
CONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER;
(ii) DISMISSING THE COMPLAINT WITH PREJUDICE FOR FAILING TO STATE A
CLAIM UPON WHICH RELIEF CAN BE GRANTED; OR (iii) DISMISSING
THE COMPLAINT AS BEING BARRED BY JUDICIAL ESTOPPEL**

1. Defendant, Barnes & Associates (“Barnes”), by its undersigned counsel, hereby joins in the Motion to Dismiss of Ahaus Tool & Engineering, Inc. (“Ahaus”) and adopts and incorporates the arguments set forth in the motion seeking an Order (i) vacating each of the Preservation of Estate Claims Procedures Order, the Extension of Avoidance Action Service Deadline Order, the Post-Confirmation Extension of Avoidance Action Service Deadline Order, and the Supplemental Post-Confirmation Extension of Avoidance Action Service Deadline Order; (ii) Dismissing the Complaint with Prejudice for Failing to State a Claim Upon Which

Relief can be Granted; or (iii) in the alternative, Dismissing the Complaint as Being Barred by Judicial Estoppel.

2. Barnes further joins, adopts and incorporates the motion by Microchip Technology Inc. seeking an Order (i) Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024, Vacating Prior Orders Establishing Procedures for Certain Adversary Proceedings, Including Those Commenced by the Debtors Under 11 U.S.C. §§541, 544, 545, 547, 548, and 549, and Extending the Time to Serve Process for Such Adversary Proceedings, (ii) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), Dismissing the Adversary Proceeding with Prejudice, or (iii) in the alternative, Dismissing the Adversary Proceeding on the Ground of Judicial Estoppel.

3. For the reasons set forth in the above-referenced Motions and Objections, Barnes supports the relief requested and reserves the right to be heard before this Court with respect to such.

Dated: New York, New York
May 13, 2010

SHAKED & POSNER

By: /s/ Dan Shaked, Esq.
DAN SHAKED (DS-3331)
Attorney for Defendant
255 W. 36th St., 8th Floor
New York, NY 10018
(212) 494-0035